



EXPRESS MAIL LABEL NO. EV325783240US

PATENT APPLICATION
Docket No: 2411.3194.3US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification
Class 102, Subclass 293

Prosecution of Parent Application:
Examiner: Peter A. Nelson
Art Unit: 3641

TRANSMITTAL FOR DIVISIONAL APPLICATION

Mail Stop: PATENT APPLICATION
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b) of pending United States Patent Application Serial No. 09/666,073 of Farrell G. Badger, Brendan M. Welch, Ronald D. Thomas, Lyman G. Bahr, and Dean F. Richards for Method for Bioremediating Undetonated Explosive Device that was filed on September 19, 2000 (hereinafter "the Parent Application"). The Parent Application is a divisional application of United States Patent Application Serial No. 743,460 that was filed on October 18, 1996 (hereinafter "the Grandparent Application").

The new divisional application is being filed in the name of the following coinventors:

1. Coinventor: Farrell G. Badger
Citizenship: United States of America
Address: 1410 North 1250 East
Mapleton, Utah 84664 USA
2. Coinventor: Brendan M. Welch
Citizenship: United States of America
Address: 264 Albee Road
Uxbridge, Massachusetts 01569 USA

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3. Coinventor: Ronald D. Thomas
Citizenship: United States of America
Address: 15 West Oak Drive
Woodland Hills, Utah 84653 USA
4. Coinventor: Lyman G. Bahr
Citizenship: United States of America
Address: 238 South 600 West
Payson, Utah 84651 USA
5. Coinventor: Dean F. Richards
Citizenship: United States of America
Address: 140 North 100 West
Pleasant Grove, Utah 84062 USA

A. Enclosures

Toward that end enclosed are the following documents:

- X The text of the originally-filed Parent Application regenerated to include revised claims and with all amendments made to the specification thereof during the prosecution of the Parent Application, text comprising 64 pages.
- X The drawings of the originally-filed Parent Application regenerated to include all amendments made thereto during the prosecution of the Parent Application, drawings comprising 16 sheets of formal figures on bristol.
- X A Declaration in Section E below verifying that the above-listed application and drawings are true copies of the originally-filed Parent Application as subsequently amended during the prosecution thereof, with the exception of the following: the Express Mail label number and the docket number of the undersigned listed on the cover page; revisions in Paragraph Nos. [0001]-[0003] that recite a priority claim to the Parent Application and data about related applications; the sequential numbering for the paragraphs in the specification; a recasting of headings; the identifying data at the top of each drawing sheet; revisions to the claims; and revisions to the Abstract.
- X A copy of the Declaration, Power of Attorney, and Petition containing the oath or declaration as filed in copy form in the Parent Application, but as originally filed in the Grandparent Application.
- For effecting amendments to the application prior to an examination on the merits, also enclosed are the following:

- ☐ A Preliminary Amendment;
- ☐ A Transmittal for Preliminary Amendment containing a fee calculation;
- ☐ Check No. _____ in the amount of _____ comprising the fee for extra claims, if required;
- ☐ Letter to Official Draftsperson;
- ☐ Informal drawings with changes (___ sheets); and
- ☐ Drawings with changes highlighted in red (___ sheets).

☒ In compliance with the duty of candor set forth in 37 C.F.R. § 1.98, enclosed are the following:

☒ Transmittal for Information Disclosure Statement (5 pages).

☒ Information Disclosure Statement (13 pages)

☒ Form PTO-1449 listing one hundred eighteen (118) references submitted for consideration.

☒ Copies of the following listings of references considered by the Examiner during the prosecution of the Parent Application:

☒ Sheets of Form PTO-1449 as follows:

☒ As initialed by the Examiner on June 25, 2001 listing references A1-A47;

☒ As initialed by the Examiner on June 25, 2001 listing references A1-A3;

☒ As initialed by the Examiner on June 25, 2001 listing references A1-A4;

☒ As initialed by the Examiner on February 22, 2002 listing references A1-A7;

☒ As initialed by the Examiner on April 7, 2003 listing references A1-A59; and

X Sheets of Form PTO-892 as follows:

X As mailed from the Patent Office on July 17, 2001 listing references A-B; and

X As mailed from the Patent Office on March 21, 2002 listing references A-C.

___ Copies of _____ (___) of the references listed on the Form PTO-1449.

___ The references are compiled in a loose-leaf notebook numerically tabulated to correspond to the reference number of each in the Form PTO-1449. The notebook includes a Table of Contents for the entire set of references that identifies the reference at each numbered tab in the notebook. Accordingly, also enclosed are the following:

___ A copy of the Table of Contents described above separate and apart from the notebook also described above.

___ A duplicate of loose-leaf notebook described above is enclosed for the personal convenience of the Examiner entrusted with responsibility for prosecution in this matter.

X Check No. 5191 in the amount of \$986.00 comprising the filing fee as calculated in Section D below.

___ A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27.

X An Associate Power of Attorney.

X A Certificate of Mailing by "Express Mail" certifying a filing date for the enclosed application by use of Express Mail Label No. EV325783240US.

X A duplicate copy of this document.

B. Instructions

___ Transfer the drawings from the Parent Application to this application, and abandon the Parent Application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the file of the Parent Application.

- X Address all future correspondence in connection with the above-identified patent application to the attention of:

Kent S. Burningham, Esq.
TRASKBRITT, PC
230 South 500 East, Suite 300
Salt Lake City, Utah 84102 USA
Telephone: (801) 532-1922
Facsimile: (801) 531-9168
Toll Free: (800) 900-2001

C. Averments

___ Priority of Application Serial No. _____ filed on _____ in _____ (country) is claimed under 35 U.S.C. § 119.

___ A certified copy of the priority documents has been filed in the Parent Application.

___ A Verified Statement to Establish Small Entity Status was filed in the Parent Application and such status is still proper and desired.

X The Parent Application is assigned of record to THE ENSIGN-BICKFORD COMPANY by the cumulative effect of one (1) document recorded at Reel 8546, frames 246-255.

X The power of attorney currently in effect in the Parent Application is to:

William S. Britt	Registration No. 20,969
David V. Trask	Registration No. 22,012
Thomas J. Rossa	Registration No. 26,969
James R. Duzan	Registration No. 28,393
Joseph A. Walkowski	Registration No. 28,765
Kent S. Burningham	Registration No. 30,453
Laurence B. Bond	Registration No. 30,549
Allen C. Turner	Registration No. 33,041
Stephen R. Christian	Registration No. 32,687
Julie K. Morriss	Registration No. 33,263
Eleanor V. Goodall	Registration No. 35,162
Robert G. Winkle	Registration No. 37,474
Brick G. Power	Registration No. 38,581

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Edgar R. Cataxinos	Registration No. 39,931
Kenneth B. Ludwig	Registration No. 42,814
David L. Stott	Registration No. 43,937
Samuel E. Webb	Registration No. 44,394
Devin R. Jensen	Registration No. 44,805
Paul C. Oestreich	Registration No. 44,983
Kerry D. Tweet	Registration No. 45,959
Bradley B. Jensen	Registration No. 46,801

X The power appears in the following originally filed papers of the Parent Application, copies of which are enclosed:

X Substitute Power of attorney originally filed in the prosecution of the Grandparent Application as executed by Michael T. Long on May 12, 1997, with Exhibit A attached; and

X Associate Power of Attorney executed by the undersigned on September 19, 2000, which was among the originally filed papers of the Parent Application.

— Since the power does not appear in the originally filed papers of the Parent Application, a copy of the power currently in effect in the Parent Application is enclosed.

D. Payments

The filing fee has been calculated as shown below for other than a small entity applicant.

CLAIM INVENTORY			SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
Claims	Number Paid For by Basic Fee	Extra	Rate	Fee		Rate	Fee
Total 32	Minus 20	12	\$ 9.00	\$ --		\$ 18.00	\$ 216.00
Indep. 3	Minus 3	0	\$ 43.00	\$ --		\$ 86.00	\$ 0.00
First Multiple Dependent Claim			\$145.00	\$ --		\$290.00	\$ 0.00
Basic Fee			\$385.00	\$ --		\$770.00	\$ 770.00
Additional Fee			TOTAL	\$ --		TOTAL	\$ 986.00

- X Any check(s) remitted herewith are listed in Section A above.
- Please debit Deposit Account No. 20-1469 in the amount of \$_____ for the government filing fee.
- X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 20-1469.
- X Any additional filing fees required under 37 C.F.R. § 1.16.
- X Any patent application processing fees under 37 C.F.R. § 1.17.
- X The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 20-1469.
- X Any patent application processing fees under 37 C.F.R. § 1.17.
- The issue fee set forth in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b).
- X Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.

E. Declaration

I hereby certify that, with the exception of the Express Mail label number and the docket number of the undersigned listed on the cover page, revisions in Paragraph Nos. [0001]-[0003] that recite a priority claim and data about related applications, the sequential numbering for the paragraphs in the specification, a recasting of headings, the identifying data at the top of each drawing sheet, revisions to the claims, and revisions to the Abstract, the attached papers are a true copy of the United States Patent Application Serial No. 09/666,073 that was filed on September 19, 2000, as subsequently amended during the prosecution thereof.

The undersigned declares further that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this 3rd day of November, 2003.

Respectfully submitted,



KENT S. BURNINGHAM
Attorney for Applicant
Registration No. 30,453

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CUSTOMER NUMBER

24247

PATENT TRADEMARK OFFICE

KSB/csw

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Docket: 2411.3194.3US

EXPRESS MAIL LABEL NO. EV325783240US

PATENT APPLICATION
Docket No.: 2411.3194.3US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
Farrell G. Badger et al.)
)
For:	METHOD FOR BIOREMEDIATING
	UNDETONATED EXPLOSIVE DEVICE
)
Divisional of:)
)
Serial No.:	09/666,073
Of:	Farrell G. Badger, et al.
Filing Date:	September 19, 2000
Examiner:	Peter A. Nelson
Art Unit:	3641

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label No.: EV325783240US

Date of Deposit: November 3, 2003

I hereby certify that this divisional patent application in the name of Farrell G. Badger, Brendan M. Welch, Ronald D. Thomas, Lyman G. Bahr, and Dean F. Richards for Method for Bioremediating Undetonated Explosive Device, together with the documents listed as transmitted below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above in an envelope addressed to Mail Stop: PATENT APPLICATION, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450.

DATED this 3rd day of November, 2003.

Respectfully submitted,



KENT S. BURNINGHAM
Attorney for Applicant
Registration No. 30,453

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KSB/csw

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Docket: 2411.3194.3US

Transmitted:

- Transmittal for Divisional Application (8 pages)
- Application (64 pages)
- Formal Drawings (16 sheets)
- Documents from Patent Application SN 09/666,073 (the Parent Application):
 - Declaration, Power of Attorney, and Petition (5 pages)
 - Substitute Power of Attorney (5 pages) with Exhibit A attached
 - Associate Power of Attorney (3 pages)
 - Form PTO-1449 initialed 6/25/01 (5 pages)
 - Form PTO-1449 initialed 2/22/02 (1 page)
 - Form PTO-1449 initialed 4/7/03 (5 pages)
 - Form PTO-892 from Office Action of 7/16/01 (1 page)
 - Form PTO-892 from Office Action of 3/21/02 (1 page)
- Associate Power of Attorney (2 pages)
- Transmittal for Information Disclosure Statement (5 pages)
- Information Disclosure Statement (13 pages)
- Form PTO-1449 (10 pages)
- Check No. 5191 in the amount of \$986.00
- Postcard